

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING
MINUTES
October 1, 2014
7:30 P.M.
Room 206, Town Hall

Chairman Riccardo called the meeting to order at 7:35 P.M

Commission Members Present: Vickie Riccardo, Rick Rohr, Keith Kearney, and Eric Joosten.

Staff: Jacobson

Channel 79 recorded

Ms. Riccardo called the following agenda item:

EPC-23-2014, Edward & Catherine Piorkowski, 152 Old Kings Highway North, proposing patio and fence construction in an upland review area. The site is shown on Assessor's Map #32 as Lot #26.

Ms. Riccardo said the Commission could not vote on this application at the last meeting because of a lack of quorum. Mr. Jacobson said it was the consensus of the members present that the application was well prepared and that the wetland would not be impacted.

Mr. Kearny made a motion to approve the application. Mr. Joosten seconded the motion and it passed 3-0. Mr. Rohr abstained.

Ms. Riccardo called the next agenda item:

EPC-22-2014, Thomas Feng & Lu Ye, 54 Nearwater Lane, proposing replacement house construction in an upland review area. The site is shown on Assessor's Map #51 as Lot #74.

Ms. Riccardo said this application was withdrawn. No further action is necessary.

Ms. Riccardo called the next agenda item:

EPC-24-2014, Sun Homes Darien, LLC, 36, 42 & 48 Wakemore Street, proposing expansion of a residential community and construction within an upland review area. The site is shown on Assessor's Map #8 as Lot #'s 226, 227, 228, 229 & 230.

No one was present for this application. Ms. Riccardo said the Commission would return to it and called the next hearing item.

Violation, 122 Delafield Island Road, LLC, 122 Delafield Island Road, clear cutting within the 50 foot upland review area. The site is shown on Assessor's Map #70 as Lot #39.

Attorney Robert Maslan represented the property owner. He introduced Wes Stout, Landscape Architect. He said they are in the process of retaining Craig Flaherty of Redniss & Mead as the site engineer. He said he had no explanation for the clear cut.

Ms. Riccardo said that the Commission has jurisdiction over the tree clearing in the upland review area. She said she was stunned by the comparison of the property now to the view of the heavily treed property on google earth google earth. She said this is a serious infraction.

Mr. Joosten said he was shocked by what he saw and said the MLS photos of the property show the extent of the trees and vegetation before the clearing was done. He said it is a flagrant disregard of the regulations. He said there are CAM issues and loss of habitat. He said he would like to know if any chemicals were used and, if so, which ones.

Mr. Kearney said he would like to see the owner appear before the Commission and not a representative of an LLC.

Mr. Joosten asked if they have a demolition permit. Mr. Maslan said that would be part of the process.

Mr. Jacobson recommended that the Commission require an application for the work after the fact and a restoration plan for receipt on November 5 and scheduling for a public hearing. The application should include an inventory of trees removed.

Attorney Wilder Gleason said he represents David and Jane Ott. He said the principal of the LLC is Thomas Campbell of Florida. He said the applicant should provide a survey of all the tree stumps as identified by an arborist. He said stabilization measures should be required.

Brian Peoples, Delafield Island Road said the previous owner planted the cedars to provide screening for the house. He provided a photo of the previous view of the property from his house.

David Ott said they were working from approximately September 1 to September 12.

Woody Spurgeon, Raiders Lane said his grandfather was Edward Delafield and he would be very upset with the tree clearing.

The Commission will require the owner to submit a November 5 application with a tree survey and information about chemical treatment, if any. Mr. Jacobson will meet with the engineer to determine what temporary erosion and sediment control measures are necessary, to be implemented within two weeks.

Ms. Riccardo returned to the following agenda item:

EPC-24-2014, Sun Homes Darien, LLC, 36, 42 & 48 Wakemore Street, proposing expansion of a residential community and construction within an upland review area. The site is shown on Assessor's Map #8 as Lot #'s 226, 227, 228, 229 & 230.

The Commission will require a public hearing. The applicant should be prepared to discuss the wetland pocket previously identified in 2001 and no longer a wetland according to the recent soil scientist's report.

Mr. Kearney made a motion to schedule this application for a public hearing on November 5. Mr. Joosten seconded the motion and it passed 4-0.

Ms. Riccardo called the next agenda item:

Town Plan of Conservation & Development update.

Mr. Jacobson said the Planning and Zoning Commission will be taking comments on the plan in the coming months. The plan is on line or hard copies are available for Commission members from the P&Z Department

Mr. Kearney made a motion to approve the Minutes of August 6 as amended. Mr. Joosten seconded the motion and it passed 4-0.

Mr. Kearney made a motion to adjourn. Mr. Joosten seconded the motion, and it passed 4-0.

The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Richard Jacobson
Environmental Protection Officer